

REMARKS/ARGUMENTS

Applicants have reviewed and analyzed the Office Action dated March 4, 2008, and provide the following remarks and comments in response thereto. Claims 1, 4, 7 and 9-27 have been amended. Claim 28 has been added. No new matter has been added. Claims 1-28 are pending upon entry of the present amendment.

Claim Rejections Under 35 U.S.C. §103

Claims 1-25 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wharton *et al.* (U.S. Patent No. 5,831,664, “Wharton”) in view of Darbee *et al.* (U.S. Patent No. 6,130,726) and Stautner *et al.* (U.S. Patent No. 6,127,677, “Stautner”). Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wharton, Darbee, Stautner and Yen *et al.* (U.S. Patent No. 5,991,799, “Yen”). These rejections are respectfully traversed.

Amended independent claim 1 recites, *inter alia*, an indicator, separate from an EPG, configured to indicate an availability of the interactive function in a program corresponding to the EPG in response to receiving a signal indicating the beginning of an interactive function from a unit. The Office Action concedes, at p. 3, that Wharton and Darbee fail to disclose an indicator to indicate availability of an interactive function in a program corresponding to the EPG. Instead, the Office Action relies on Stautner, asserts that Stautner teaches an EPG that includes indicators to indicate availability of interactive functions in programs corresponding to the EPG. Even assuming, without conceding, the validity of the assertion, Stautner still fails to teach or suggestion an indicator configured to indicate an availability of an interactive function ***separate from an EPG***. In fact, Stautner describes the alleged indicator as being included in the EPG. See, e.g., FIGS. 2 and 4. Yen fails to cure these deficiencies. Additionally, none of the cited references teach or suggest that the indicator is configured to indicate the availability of an interactive function *in response to receiving a signal indicating the beginning of the interactive function*. Accordingly, claim 1 is allowable for at least these reasons.

Amended independent claims 9 and 17 relate to, *inter alia*, receiving, subsequent to a selection of the program from an EPG, a signal from a control unit indicating a beginning of an interactive function during the selected program, and in response to the signal, indicating, through the mobile hand-held device, an availability of the interactive function. As discussed above, Stautner describes the display of indicators in an electronic programming guide.

However, nowhere do any of the references teach or suggest *receiving a signal indicating the beginning of an interactive function subsequent to selection of a program from an electronic programming guide*. Accordingly, claims 9 and 17 are allowable for at least this reason.

Claims 2-8, 10-16 and 18-24 are dependent on claims 1, 9 and 17, respectively, and are thus allowable for at least the same reasons as their base independent claims.

New Claims

Claim 28 has been added and is dependent on claim 9. Accordingly, claim 28 is allowable for at least the same reasons as claim 9 and further in view of the novel and non-obvious features recited therein. For example, claim 28 recites “wherein the signal is received after a start of the selected program.” None of the cited references teach or suggest such a feature. Claim 28 is thus allowable for this additional reason.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: June 4, 2008

By: /Chunhsi Andy Mu/

Chunhsi Andy Mu

Registration No. 58,216

1100 13th Street, N.W., Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000